

# Notice of Allowability

Application No.

10/523,228

Examiner

Patricia L. Hailey

Applicant(s)

NAPPA ET AL.

Art Unit

1755

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' remarks and amendments, filed on October 3, 2006.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 12/11/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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Applicants' remarks and amendments, filed on October 3, 2006, have been carefully considered. No claims have been canceled; new claims 15-17 have been added.

Claims 1-17 are now pending in this application.

### ***Correction of Inventorship***

1. In view of the papers filed October 27, 2005, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by deleting the previously incorrectly named inventor Mario J. Nappa from the inventorship.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

### ***Withdrawn Rejections***

The 112(2) rejection of claims 4-10 and 14 stated in the previous Office Action has been withdrawn in view of Applicants' amendments to these claims.

The provisional double-patenting rejection of claims 1-14 as being unpatentable over claims 1-14 of copending Application Serial No. 10/523,226, stated in the previous

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Office Action, has been withdrawn in view of Applicants' persuasive arguments traversing this rejection.

The 102(b) rejection of claims 1-6 as being anticipated by Bruhnke et al. (U. S. Patent No. 5,177,273) stated in the previous Office Action has been withdrawn in view of Applicants' amendments and persuasive arguments traversing this rejection.

This reference does not reach or reasonably suggest that the cobalt employed as modifier in Patentees' catalyst replaces chromium atoms in the chromium oxide lattice, as recited in Applicants' claims.

The 103(a) rejection of claims 11-14 as being unpatentable over Tsuji et al. (U. S. Patent No. 5,494,873) stated in the previous Office Action has been withdrawn in view of Applicants' amendments and persuasive arguments traversing this rejection.

Tsuji et al. teach away from using air and/or oxygen for calcining, as is now recited in the instant claims. See col. 4, line 63 to col. 5, line 14.

#### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Heiser on December 11, 2006.

***The application has been amended as follows:***

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**a. In line 1 of claim 1, after the word "crystalline", please insert the phrase  
–cobalt-substituted--.**

Claim 1 has been amended to ensure proper antecedent basis.

***Allowable Subject Matter***

3. Claims 1-17 are allowed.

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed crystalline alpha-chromium oxide, where from about 0.05 atom % to about 6 atom % of the chromium atoms in said alpha-chromium oxide lattice are replaced by trivalent cobalt atoms.

The prior art also does not teach or suggest the claimed processes (1) for changing the fluorine distribution in a hydrocarbon or a halogenated hydrocarbon, and (2) for increasing the fluorine content of a halogenated hydrocarbon compound or an unsaturated hydrocarbon compound, said processes comprising bringing said cobalt-substituted chromium oxide into the presence of hydrocarbon or halogenated hydrocarbon, or reacting said hydrocarbon or halogenated hydrocarbon with hydrogen fluoride in the presence of said cobalt-substituted alpha-chromium oxide.

The prior art also does not teach or suggest the claimed process for producing the crystalline cobalt-substituted alpha-chromium oxide.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

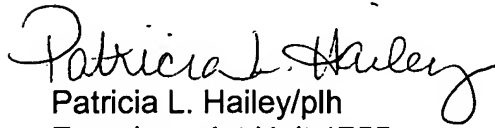
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

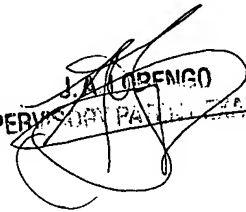
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Patricia L. Hailey/plh  
Examiner, Art Unit 1755  
December 13, 2006

  
J. A. LORENZO  
SUPERVISOR, PATENT EXAMINER